IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Crim. Writ Petition No. 1638 of 2005

Mr.Pramod Murlidhar Joshi ..Petitioner

vs.

The State of Maharashtra
and another ...Respondentsd

Ms.Manorama Mohanty i/b M/s S.K.Srivastav and Co.for petitioner.
Smt.S.V.Gajare, A.P.P. for respondent no.1.
Mr.K.V.Tembe for respondent no.2

CORAM: A.M.KHANWILKAR J.
6th December,2005

P.C.

1. Heard counsel for the parties.

2. The only question raised before me to pursue remedy of quashing of the criminal action instituted against the petitioner and pending before the lower court is that the statutory notice served on the petitioner was beyond the period of 15 days as provided by the Act applicable at the relevant time. Argument proceeds on the basis that the cheque was returned dishonoured on24th July, 2002 whereas the notice which has been served on the petitioner was posted on 13th August, 2002. According to the respondent/complainant, however,one copy of the notice was sent by UPSC

on 8th August,2002 and if that notice is to be reckoned as good service the argument of the petitioner that the statutory notice was despatched after the specified period will be untenable. It is argued that the Negotiable Instruments Act, 1881 provides for mode of service of such notice in terms of sec.94 of the Act and the respondent/complainant has taken recourse to one of such modes which is permissible mode. All these aspects will be the matter for trial. As there is dispute about the date on which valid notice has been despatched that will have to be established in evidence. Hence it cannot be a ground for quashaing. Petition is dismissed.